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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/767,326  | 01/29/2004  | Lawrence R. Foore    | TAN-2-1400.05.US    | 5495             |
| 24374   | 7590        | 07/09/2008           | EXAMINER            |                  |
| VOLPE AND KOENIG, P.C.<br>DEPT. ICC<br>UNITED PLAZA, SUITE 1600<br>30 SOUTH 17TH STREET<br>PHILADELPHIA, PA 19103 |             |                      | QURESHI, AFSAR M    |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2616                |                  |
|   |             |                      | MAIL DATE           | DELIVERY MODE    |
|   |             |                      | 07/09/2008          | PAPER            |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/767,326             | FOORE ET AL.        |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | AFSAR M. QURESHI       | 2616                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 30 May 2008.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 35-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 35-45 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

|   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|   | 6) <input type="checkbox"/> Other: _____ .                        |

***Response to Amendment***

1. This Office Action is responsive to REMARKS received on 5/30/3008. No amendments were made to claims.

***Response to Arguments***

2. Applicant's arguments filed on 5/30/3008 have been fully considered but they are not persuasive.

Applicant argued that cited reference, Quick Jr. (US 5,673,259) fails to teach or suggest the pending claims, especially, the limitation, '*the transceiver is assigned at least one wireless channel for receiving data traffic from the base station based on an urgency factor indicative of the urgency of the data traffic to be transmitted from the at least one data buffer in the base station.*'

Examiner, respectfully, disagrees. Quick discloses Searcher Scheme, wherein a base station enters a Ready state, indicating **Urgency** for a mobile to receive User ID. Based on urgency, a User ID is generated and transmitted, from base station, on an assigned channel to the waiting mobile station in accordance with its assigned relative priority (see col. 23, lines 4-23, figure 13B).

Examiner, in prior Non-Final Office Action (1/9/2008) quoted that Quick does not specifically disclose "urgency factor" as worded in the claim. However, given the broader interpretation, and based on above disclosure, Examiner contends that searcher scheme, disclosed by Quick, obviates the claimed urgency factor wherein the data (User ID) is transmitted in accordance with relative priority.

Examiner made this action Final, since no amendments were made to the claims, except renumbering of the claims. All limitations, as claimed, are made obvious based on same prior art reference.

3. *The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.*

4. Claims 35-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Quick Jr. (US 5,673,259) in view of obviousness.

Claims 35-43. Quick Jr.('Quick') discloses a CDMA cellular telephone system, used in CDMA applications, having forward link and reverse link, mobile stations 102 (fig. 1) (transceivers) and base stations 108. Mobile station (transceiver) transmits call request on "Access channels" and is configured to receive data traffic from base stations on a "Dedicated traffic channel" to carry the VOICE information (see col. 3, lines 63 through col. 4, lines 1-7). Quick further discloses a searcher reservation scheme which uses a priority (urgent factor) assignment algorithm based on type (user specific long code used to encode data and voice transmission) and amount of traffic in the queues (buffer), to be transmitted to the CDMA user device, wherein device receiving data traffic on at least one "Dedicated channel" (see col. 9, lines 50 through col. 10, lines 1-4).

Quick discloses Searcher Scheme, wherein a base station enters a Ready state, indicating *Urgency* for a mobile to receive User ID. Based on urgency, a User ID is

generated and transmitted, from base station, on an assigned channel to the waiting mobile station in accordance with its assigned relative priority (see col. 23, lines 4-23, figure 13B). It would have been obvious to one of ordinary skill in the art, at the time of invention, to be able to utilize the searcher scheme of Quick since it provides an efficient use of available transmission resources wherein the communication over wireless 'dedicated channel' is prioritized based on type of data (voice/real time), amount of traffic (urgency factor) and need, via searcher reservation scheme used by Quick (see col. 8, lines 52 through col. 9, lines 1-28, also figure 13B).

Claims 44 - 45. Quick discloses bandwidth demand associated with thresholds as traffic type attribute. Quick does not specifically disclose if the data buffer is hardware controlled by fast cache memory (claim 41). However, Quick discloses a processor 302 (fig. 3), and while in switching signals, is capable of storing data packets correspond to threshold levels and based on bandwidth demand, these data packets are transmitted controlled by searcher scheme (software) (see col. 11, lines 5-53). It is known and old that a computer, processor 302 in this case, has fast cache memory capable of storing instructions, when executed, used to control transmission from buffers. Therefore it would have been obvious to one of ordinary skill in the art, at the time of invention, to be able to modify processor 302, utilizing fast cache memory to control data buffer in order to facilitate an efficient data packet transmission to a cell site in a CDMA system.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to AFSAR M. QURESHI whose telephone number is (571)272-3178.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272 7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Afsar M Qureshi/  
Primary Examiner  
Art Unit 2616

7/6/2008

|  |                         |   |
|--|-------------------------|---|
| <b>Application Number</b><br> | Application/Control No. | Applicant(s)/Patent under Reexamination |
|  | 10/767,326              | FOORE ET AL.                            |
| Examiner   | Art Unit                |   |
| AFSAR M. QURESHI   | 2616                    |   |